IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 151 of 2004
In
COMPANY PETITION No. 222 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GENERAL SECRETARY, GENERAL WORKERS UNION - Applicant(s)
Versus
O.L. OF NAVRANG SYNTHFAB PVT. LTD. & 2 - Respondent(s)

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Appearance :
MR RD DAVE for Applicant(s) : 1,
OFFICIAL LIQUIDATOR for Respondent(s) : 1,
MS AMEE YAJNIK for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,
MR MANISH R BHATT for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 29/09/2006

ORAL JUDGMENT

By way of this Judges summons, the applicant has prayed for an appropriate order directing the Official Liquidator of company in liquidation to verify and ascertain all the outstanding dues of the workers of M/s

Navrang Synth-Fab Private Limited (in liquidation), including claims like wages for the illegal closure period, unpaid wages, unpaid leave wages, notice pay, retrenchment compensation, gratuity, bonus etc.

2. It appears from various correspondence and the report submitted by the Official Liquidator as well as correspondence by the Chartered Accountant, who has been assigned the work of verification of the records of the workers and verification of the claims of the respective workers, that the Chartered Accountant is not satisfied with the records available. Shri Rajesh Dave, learned advocate appearing on behalf of the applicant has submitted that according to them, all required necessary documents are now available with the Chartered Accountant, except the last wage Register of last date of winding up. He has submitted that in absence of any wage Register of the last date of winding up, the Chartered Accountant may consider the claim of the respective workers on the basis of the minimum wage rate applicable, as has been done in other companies. He has submitted that let the Chartered Accountant verify and consider the claims of all those workers for whom there is no dispute.

3. Under the circumstances, the Chartered Accountant may verify the claims of the respective workers on the basis of the material available and submit the report to the Official Liquidator. If the Chartered Accountant is not satisfied with the relevant documents with regard to any of the workmen, then he may say so in his report and submit the report accordingly. The Chartered Accountant may also consider the minimum wage rate applicable at the relevant time i.e. at the time of winding up, as admittedly the wage Register of last date of winding up is not available. The Chartered Accountant to consider the same within a period of three months from today. It is however made clear that it is ultimately for the Chartered Accountant to submit the report on the basis of his subjective satisfaction of the relevant documents available and submit the report as stated above. As stated above, if he is not satisfied with the documents with regard to certain workers, then he may report to the Official Liquidator to that effect.

4. With these, the present application is disposed of at this stage.

(M.R.SHAH,J.)

shekhar/-